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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/731,696	12/09/2003	Stratton C. Lloyd	OIC0115US	3270
60975 7590 09/28/2010 CAMPBELL STEPHENSON LLP 11401 CENTURY OAKS TERRACE BLDG. H, SUITE 250 AUSTIN, TX 78758			EXAMINER NGUYEN, THUY-VI THI	
			ART UNIT 3689	PAPER NUMBER
			MAIL DATE 09/28/2010	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/731,696	<b>Applicant(s)</b> LLOYD ET AL.	
	<b>Examiner</b> THUY-VI NGUYEN	<b>Art Unit</b> 3689	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 20 July 2010.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-21; 23-37 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-21; 23-37 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>07/20/10</u> . | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. This is in response to the applicant's communication filed on 07/10/10, wherein:  
  
Claims 1-21; 23-37 are currently pending;  
  
Claims 1; 16 and 32 have been amended;  
  
Claims 22 and 38 have been cancelled.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
  2. Ascertaining the differences between the prior art and the claims at issue.
  3. Resolving the level of ordinary skill in the pertinent art.
  4. Considering objective evidence present in the application indicating obviousness or nonobviousness.
3. Claims 1-21; 23-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over SULTAN (US 6,804,657) in view of EHLERS ET AL (US 7,516,106).

**As for independent claim 1**, SULTAN discloses a computer implemented method comprising:

receiving a forecast definition at a computer system, wherein the forecast definition comprises a forecast interval and a forecast period;

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{see figures 2- 3, at least col. 7, lines 23-44; col. 12, lines 5-24 discloses the computer system receiving the forecast definition included the forecast period and forecast interval. For example: *forecast information is entered through a suitable Internet application, such as a Web browser 316 by the sale force (participant), transmitted over the network 312 and stored in the database 310. Forecast information may include the time frame (forecast period) during which the pipeline and or forecasted sale take place*}.}

{Also see figure 3 and col. 9, lines 5-67. and col. 10, lines 1-67 discloses forecast definition include the forecast interval (time, period), e.g. *the account supervisor in the hierarchy organization can able to see the sum of the sales forecasts (covering the next quarter or quarterly) for each of her account representatives*

automatically generating a plurality of forecast snapshots (forecast report for a particular period or interval), using a processor of the computer system, wherein the automatically generating the plurality of forecast snapshot is performed using the forecast definition,

{see at least figure 3, col. 9, lines 5-65; and col. 10, lines 5-60 discloses a user, e.g. *Account Supervisor may want to generate a forecast for the sales of a particular product over a specified future time period, based upon the pipeline information entered by those account representatives that report to the Account Supervisor; generating the forecast information in real time, generating plurality of forecast report for a particular interval, daily or quarterly*},

the automatically generating the plurality of forecast snapshots comprises for each forecast snapshot of the plurality of forecast snapshots,

{see figure 3; col. 10, lines 5-15; and lines 45-50 discloses the forecast snapshot for a particular period}

automatically generating a forecast; wherein fore each forecast interval, and the automatically generating the forecast is performed according to the forecast definition,

{see at least figure 3, col. 9, lines 5-67; col. 10, lines 5-60 discloses generating a forecast for a particular forecast interval e.g. "generating the forecast for the period ending December 2"} and

automatically generating the each forecast snapshot, wherein each forecast snapshot comprises the forecast, and forecast summary information;

Sultan discloses the forecast snapshot comprises the forecast and the forecast summary information, for example col. 10, lines 5-50 discloses Sale Manager A33 to whom both account representative A332 and A333 report, may run the forecasting application, and have access to view and generated the stored forecast information as shown in col. 10, lines 45-50 wherein the forecast snapshot for the period ending December 2, comprising the forecast (e.g. Widgets 1 \$660, 000; Widgets 2 \$500,000) and the forecast summary information (e.g. the total of the Widgets 1, Widgets 2 = \$1,160,000);

receiving a request at the computer system, wherein the request is configured to cause forecast information for the forecast period to be generated and displayed;

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generating the forecast information for the forecast period wherein the forecast information is generated using the plurality of forecast snapshots;

{see at least figure 3, col. 3, lines 54-67, discloses a user is making a request for generating forecast; or col. 12, lines 1-19 discloses receiving a request for generating a forecast from a user when the user entering the parameters for the desired forecast};

{see figures 2- 3, at least col. col. 2, lines 8-18, col. 7, lines 23-44; col. 9, lines 5-67; col. 10, lines 1-60 discloses *generating a real time sales forecasts* , include a forecast period, a forecast interval (e.g. forecast is generated quarterly, and all forecast information are save in the database 310. The forecast information can be view (on a worksheet (web) page) the current (real time) pipeline information));

in response to the receiving the request and the generating the forecast information for the forecast period, displaying the forecast information for the forecast period on a display coupled to the processor.

{see figure 3, col. 9, lines 5-67, col. 10, lines 10-60, and col. 12, lines 1-19 discloses the generating a forecast and display on a screen. A display which displays the forecast information which comprises the forecast and forecast summary}.

Note: The Examiner indicated that SULTAN doesn't mention about the feature "snapshot" in the office action filed on 04/19/10. However, since the new amended language identifies the meaning forecast snapshot (forecast snapshot comprises the forecast and forecast summary information). Since SULTAN teaches the forecast report comprise the forecast and forecast summary information as indicated in {col. 10, lines 5-15; and lines 45-50 e.g. the forecast for the period ending December 2,

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comprising the forecast (e.g Widgets 1 \$660, 000; Widgets 2 \$500,000) and the forecast summary information (e.g. the total of the Widgets 1, Widgets 2 = \$1,160,000)).

Therefore, the feature “snapshot” is taught by SULTAN.

SULTAN discloses the claim invention as stated above. SULTAN further discloses the generating and displaying the forecast in real time. The particular period of forecast information can be pulled or retrieved e.g. forecast information for monthly or quarterly as selected by the user {see figure 3, col. 11, lines 49-67}.

However, SULTAN doesn't explicitly disclose about the forecast period comprises a plurality of forecast intervals.

EHLERS ET AL cites to teach the known technique of generating a variety of reports to view historical information (e.g. information about the homes), wherein the history information is recorded or collected in the periodic interval. For example: daily temperature reports displaying temperature and set points in, e.g. 15 minute intervals. Monthly temperature reports display daily low, high and average temperature. Daily electrical reports displaying electrical consumption hourly and electrical cost e.g. 15 minutes intervals. Monthly electrical reports displaying daily low, high and average energy consumption. Monthly consumption reports displaying daily energy consumption and costs. Yearly consumption and cost reports displaying monthly energy consumption and cost. {see at least col. 7, lines 40-45; col. 12, lines 4-22; col.45, lines 33-67, figures 4K-4M, col. 50, lines 9-24, and figure 5H-5I}; and also see col. 10, lines 42-55 wherein the load profile is displayed as a snapshot to the user. This known technique is applicable to the system of SULTAN as they both share

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characteristics and capabilities, namely, they are directed to collecting the data with respect to the periodic of time to generate the report.

Therefore, one of ordinary skill in the art would have recognized that applying the known technique of EHLERS ET AL would have been yielded predictable results and resulted in an improved system. It would have been recognized that applying the technique of EHLERS ET AL to the teachings of SULTAN would have yielded predictable results because the level of ordinary skill in the art demonstrated by the references applied shows the ability to incorporate such data processing features into similar system. Further, applying collecting information as a snapshot to generate a report for a particular period comprises a plurality of data intervals to the reference of SULTAN with collecting information to generate the report for a particular period (quarterly, monthly), would have been recognized by those of ordinary skill in the art as resulting in an improved system that would allow a report covering a period of time to be generated from series of snapshot.

**As for claim 2**, SULTAN disclose wherein the forecast information includes a date for each forecast snapshot {see figure 3, col. 9, lines 30-36; col. 10, lines 1-16, and lines 45-50}

**As for claim 3**, SULTAN disclose wherein forecast information includes a row for a participant that, when selected, provides more detailed information about each participant {see figure 3, col. 9, lines 30-36; col. 10, lines 1-16, and lines 45-50}

**As for claim 4**, SULTAN disclose wherein forecast information includes closed revenue and forecast revenue {see col. 7, lines 20-43; col. 9, lines 30-67}



**As for claims 5-6**, SULTAN discloses wherein forecast information comprises revenue such as pipeline revenue, expected revenue {see figure 3, col. 9, lines 30-36; col. 10, lines 1-16, and lines 45-50}

**As for claim 7**, SULTAN disclose wherein forecast information of the comprises closed revenue and forecast revenue {see figure 3, col. 9, lines 30-36; col. 10, lines 1-16, and lines 45-50}

**As for claim 8**, SULTAN discloses wherein the forecast information comprises pipeline revenue {see figure 3, col. 9, lines 30-36; col. 10, lines 1-16, and lines 45-50}

**As for claim 9**, SULTAN discloses wherein forecast information comprises name of the participant {see figure 3, col. 9, lines 30-36; col. 10, lines 1-16, and lines 45-50}

**As for claim 10**, SULTAN discloses wherein forecast information comprises information for each opportunity of user {see figure 3, col. 9, lines 30-36; col. 10, lines 1-16, and lines 45-50}

**As for claim 11**, SULTAN discloses wherein forecast information comprises opportunity identifier and forecast revenue {see figure 3, col. 9, lines 30-36; col. 10, lines 1-16, and lines 45-50}

**As for claim 12**, SULTAN disclose wherein forecast information comprises a row of information for each forecast snapshot, a row of information for each participant, and the user area comprises a row for each opportunity of the user {see at figure 3, discloses a single display comprise forecast information report include forecast information, the sales group area (participant), and the pipeline information (user area include opportunities information); and

Also col. 9, lines 5-67, col. 10, lines 10-60 discloses the generating a forecast and display on a screen. A display which displays forecast information. Especially tables on col. 9, lines 30-36; col. 10, lines 5-16; and lines 45-50 discloses forecast information, participant/member information; and opportunities/pipeline revenue information.}

**As for claim 13**, SULTAN disclose wherein forecast information comprises forecasted quantity of a product {see figure 3, col. 9, lines 30-36; col. 10, lines 1-16, and lines 45-50}

**As for claim 14**, SULTAN disclose wherein forecast information comprises closed quantity of a product {see figure 3, col. 9, lines 30-36; col. 10, lines 1-16, and lines 45-50}

**As for claim 15**, SULTAN disclose wherein forecast information comprises pipeline quantity of a product {see figure 3, col. 9, lines 30-36; col. 10, lines 1-16, and lines 45-50}

**Note:** Claims 2-16, the term “forecast information comprises closed revenue, forecast revenue, pipeline revenue, opportunity identifier, summary area information, product quantity”, in the “forecast snapshot”, have been determined to be non-functional descriptive material (NFDM), thus having no patentable weight and does not need to be taught by the prior art. Nonfunctional descriptive material can not render nonobvious an invention that would have other wise been obvious. In re Gulack, 703 F. 2d 1381, 1385, 217 USPQ 401, 40-4 (Fed. Cir. 1983) (when descriptive material is not functionally

related to the substrate, the descriptive material will not distinguish the invention from the prior art in terms of patentability. See MPEP 2106.01.

**As for independent claim 16**, SULTAN discloses a computer system for presenting forecast information comprising: a memory to store a forecast, a processor coupled to memory {see figure 4} which configured to carry the method step of the independent claim 1 above. It is rejected for the same reason sets forth the rejected independent claim 1 as recited above.

**As for dep. claims 17-18**, which disclose forecast information comprises a date of forecast, a row for each participant, and opportunity information, this is taught in SULTAN, see at least {figure 3, col. 9, lines 5-67, col. 10, lines 10-60}.

**As for dep. claims 19-21** which discloses forecast information comprises the type of revenue information, this is fairly taught in SULTAN, see at least {figure 3, col. 9, lines 5-67, col. 10, lines 10-60}.

**As for dep. claims 23-25** which discloses forecast information comprises the type of information such as revenue, name of participant, this is fairly taught in SULTAN, see at least {figure 3, col. 9, lines 5-67, col. 10, lines 10-60}.

**As for dep. claims 26-27** which discloses forecast information comprises current opportunity, this is taught in {figures 3 and 4, col. 9, lines 5-67, col. 10, lines 10-60}.

**As for dep. claims 18-31**, basically these claims carry the similar steps as dep. claims 12-15 above. They are rejected for the same reason sets forth the rejected dep. claims 12-15 as cited above.

**Note:** Claims 17-32, the term “information of the area, closed revenue, forecast revenue, pipeline revenue, opportunity identifier, summary area information, product quantity”, in the “forecast snapshot”, have been determined to be non-functional descriptive material (NFDM), thus having no patentable weight and does not need to be taught by the prior art. Nonfunctional descriptive material can not render nonobvious an invention that would have other wise been obvious. In re Gulack, 703 F. 2d 1381, 1385, 217 USPQ 401, 40-4 (Fed. Cir. 1983) (when descriptive material is not functionally related to the substrate, the descriptive material will not distinguish the invention from the prior art in terms of patentability. See MPEP 2106.01.

**As for independent claim 32**, basically this claim deals with a computer readable storage medium containing instructions for controlling a computer system , when executed by a processor in the computer system, cause the processor to perform a method step of the independent claim 1 above. Therefore, it is rejected for the same reason sets for the rejected independent claim 1 as recited above.

**As for dep. claims 33-34**, basically these claims have the similar steps as the rejected dep. claims 2-3 above. Therefore, they are rejected for the same reason sets forth dep. claims 2-3 as indicated above.

**As for dep. claims 35-37**, basically these claims have the similar steps as rejected dep. claims 9, 12-13 above. Therefore, they are rejected for the same reason sets forth dep. claims 9, 12-13 as indicated above.

### ***Response to Arguments***

Applicant's arguments filed 07/20/10 have been fully considered but they are not persuasive.

1) In response to Applicant's comment on page 11 of the remark, Applicant states that neither Sultan nor Ehlers, alone or in combination teach or suggest all the limitations of claim 1, including "*generating a forecast snapshot comprising both a forecast and forecast summary information for the forecast*" is noted. However, this is not persuasive. Sultan discloses the forecast snapshot comprises the forecast and the forecast summary information, for example col. 10, lines 5-50 discloses Sale Manager A33 to whom both account representative A332 and A333 report, may run the forecasting application, and have access to view and generated the stored forecast information as shown in col. 10, lines 45-50 wherein the forecast snapshot for the period ending December 2, comprising the forecast (e.g Widgets 1 \$660, 000; Widgets 2 \$500,000) and the forecast summary information (e.g. the total of the Widgets 1, Widgets 2 = \$1,160,000). Therefore, Sultan discloses the limitation "*generating a forecast snapshot comprising both a forecast and forecast summary information for the forecast*".

2) In response to Applicant's comment on page 12 on the remark, Applicant indicates about *the distinction, by definition, between raw data and information about the raw data, as one is data, and the other meta data. Thus raw data and information*

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*about the raw data differ in the same way that data is distinct from meta data. Thus, Applicant submit that the claimed he forecast snapshot includes two distinct type of data constructs, forecast information (raw data), and summary information about the forecast (metadata).* However, the feature of forecast information defines as the raw data; and the summary information about the forecast defines as "metadata" are not cited in the claim limitation. Applicant also mentions that "the difference between raw information and summary information about the raw information are the advantages provided by the claimed invention" is noted. However, the claim limitation is silent about the distinction between the two different type of data construct raw information (forecast information) and information about raw information (summary information about the forecast). Rather, the claimed only recites "wherein the each forecast snapshot of the plurality of forecast snapshots comprises the forecast, and forecast summary information for the forecast". Thus, the Examiner asserts that this comment about the forecast information (raw data) and summary information about the forecast (metadata) is not related to the amended language in claim 1.

3) In response to Applicant's comment on page 12-13 of the remark, Applicant states that Ehlers *fails to comprehend any concept even remotely comparable to a second level of information processing (e.g. a meta level), Ehlers does not store both of any two type of data constructs within a third construct, and certainly nothing comparable to a forecast snapshot. Further Ehlers can not be characterized as disclosing the derivation of any information from a structure storing both types of data constructs as claimed".* However, this is not persuasive because the concepts remotely

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comparable to a second level of information process (a metal level); the two types of data constructs within a third construct, and the storing both types of data constructs are not recited in the rejected claim. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

4) In response to Applicant's comment on page 13 of the remark about the "*office action (filed on 04/19/10) concedes that Sultan fails to disclose the "forecast snapshot" feature*" is noted. However, since the new amended language identifies the meaning of the forecast snapshot (forecast snapshot comprises the forecast and forecast summary information). Therefore, SULTAN teaches the forecast report comprises the forecast and forecast summary information as indicated in {col. 10, lines 5-15; and lines 45-50 e.g. the forecast for the period ending December 2, comprising the forecast (e.g. Widgets 1 \$660, 000; Widgets 2 \$500,000) and the forecast summary information (e.g. the total of the Widgets 1, Widgets 2 = \$1,160,000)}. Thus, the feature "forecast snapshot" which comprises the forecast and forecast information is taught by SULTAN.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

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mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.



Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thuy-Vi Nguyen whose telephone number is 571-270-1614. The examiner can normally be reached on Monday through Thursday from 8:30 A.M to 6:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Janice Mooneyham can be reached on 571-272-6805. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/T. N./

Examiner, Art Unit 3689

/Janice A. Mooneyham/

Supervisory Patent Examiner, Art Unit 3689

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